IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA, 1928

Bail Appl..No. 7768 of 2006()

CC.NO.13550/06 OF METROPOLITAN MAGISTRATE COURT-III,
GEORGE TOWN, MADRAS.

: PETITIONER/ACCUSED.

K.ABOOBACKER, S/O. KADER,
VETTILAVALAPPIL HOUSE, MATTATHIKAD, KOOTATHARA P.O
PALAKKAD DISTRICT, KERALA.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. P.K.FINANCE LIMITED,
REPRESENTED BY THE BRANCH MANAGER, PALAKKAD.

3. SUB INSPECTOR OF POLICE,
GEORGE TOWN POLICE STATION, MADRAS.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7768 OF 2006

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DATED THIS THE 4th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in C.C.No.13550/06 on the file of Metropolitan Magistrate Court-III, George Town, Madras for offences punishable under sections 406 and 420 IPC, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before that court, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. But at the same time, since the petitioner voiced a grievance that on account of back pain he was unable to travel all the way to Madras and engage a counsel, I am inclined to grant an opportunity to the petitioner to surrender before the Metropolitan Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Metropolitan Magistrate Court-III, George Town, Madras and files an application for regular bail, the same shall be considered and disposed of on merits, notwithstanding the warrants, if any, pending against the petitioner.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn